

## SUBCHAPTER E—GENERAL CONTRACTING REQUIREMENTS

### PART 2428—BONDS AND INSURANCE

#### Subpart 2428.1—Bonds

Sec.  
2428.106 Administrative.  
2428.106-6 Furnishing information.

AUTHORITY: 40 U.S.C. 486(c); 42 U.S.C. 3535(d).

SOURCE: 50 FR 46578, Nov. 8, 1985, unless otherwise noted.

EDITORIAL NOTE: At 60 FR 46157, Sept. 5, 1995, subpart 2428.2 was removed effective Oct. 5, 1995. The superseded text of the removals remaining in effect until Oct. 5, 1995, appears in the October 1, 1994 revision of title 48 chapters 15–28.

#### Subpart 2428.1—Bonds

##### **2428.106 Administrative.**

##### **2428.106-6 Furnishing information.**

(c) The HCA shall furnish the certified copy of the bond and the contract for which it was given to any person who requests them in accordance with FAR 28.106-6.

### PART 2429—TAXES

AUTHORITY: 42 U.S.C. 3535(d).

#### Subpart 2429.1—General

##### **2429.101 Resolving tax problems.**

In order to have uniformity in HUD's treatment of the tax aspects of contracting and ensure effective cooperation with other Government agencies on tax matters of mutual interest, the Office of General Counsel has the responsibility within HUD for handling all those tax problems. Therefore, the contracting activity will not engage in negotiation with any taxing authority for the purpose of determining the validity or applicability of, or obtaining exemptions from or refund of, any tax. When a problem exists, the Contracting Officer shall request, in writing, the assistance of legal counsel. The request shall detail the problem and be accompanied by appropriate backup data.

Counsel shall report to the Contracting Officer as to the necessary disposition of the tax problem. The Contracting Officer will notify the contractor of the outcome of the tax problem. Counsel is responsible for communications with the Department of Justice for representation or intervention in proceedings concerning taxes.

[60 FR 46157, Sept. 5, 1995]

### PART 2432—CONTRACT FINANCING

#### Subpart 2432.4—Advance Payments

Sec.  
2432.402 General.

#### Subpart 2432.9—Prompt Payment

2432.906 Contract financing payments.  
2432.908 Contract clauses.

AUTHORITY: 31 U.S.C. 3901–3906; 40 U.S.C. 486(c); 42 U.S.C. 3535(d).

SOURCE: 53 FR 46536, Nov. 17, 1988, unless otherwise noted.

#### Subpart 2432.4—Advance Payments

##### **2432.402 General.**

(e)(1) The Determination and Findings required by FAR 32.402(c)(1)(iii) shall be made by the Director, Office of Procurement and Contracts for Headquarters contracts, or the cognizant Director, Administrative Services Center Contracting Division for field contracts.

(2) Each advance payment situation shall be coordinated with the head of the cognizant accounting office, before authorization may be given, to ensure that there are controls in place to assure proper administration of advance payments.

[60 FR 46157, Sept. 5, 1995]

#### Subpart 2432.9—Prompt Payment

##### **2432.906 Contract financing payments.**

Except for construction contracts (see FAR 52.232-27), periods for payment shorter than 30 days shall not be

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specified in contracts without the prior approval of the cognizant accounting office to ensure that procedures are in place to allow timely payment.

[60 FR 46157, Sept. 5, 1995]

**2432.908 Contract clauses.**

(a) The Contracting Officer shall insert a clause substantially the same as provided at 2452.232-70, Payment Schedule and Invoice Submission (Fixed-Price), in all fixed-price solicitations and contracts. The clause with its Alternate I may be used for solicitations and contracts issued by the Administrative Service Centers.

(b) The Contracting Officer shall insert a clause substantially the same as provided at 2452.232-71, Voucher Submission (Cost-Reimbursement), in all cost-reimbursement solicitations and contracts when vouchers are to be sent directly to the paying office. The clause with its Alternate I may be used for solicitations and contracts issued by the Administrative Service Centers.

[60 FR 46157, Sept. 5, 1995]

**PART 2433—PROTESTS, DISPUTES,  
AND APPEALS**

Sec.

2433.000 Scope of part.

**Subpart 2433.1—Protests**

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2433.105 Protests to GSBICA.

AUTHORITY: 31 U.S.C. 3551-3556; 40 U.S.C. 486(c); 42 U.S.C. 3535(d).

SOURCE: 50 FR 46578, Nov. 8, 1985, unless otherwise noted.

**2433.000 Scope of part.**

This part identifies the responsible agents and sets forth procedural requirements for handling protests.

[51 FR 40333, Nov. 6, 1986]

48 CFR Ch. 24 (10-1-97 Edition)

**Subpart 2433.1—Protests**

**2433.101-70 Definitions.**

*Working day*, as used in this part, means a working day of the Agencies of the Federal Government, excluding Saturdays, Sundays, and Federal holidays, as specified in 5 U.S.C. 6103.

**2433.102 General.**

**2433.102-70 Responsibility.**

The Office of General Counsel has responsibility for handling matters relating to protests filed with the General Accounting Office (GAO) or the General Services Board of Contract Appeals (GSBCA) against award of contracts by the Department. All written communications from the Department to the GAO or the GSBCA shall be by the Office of General Counsel. The Contracting Officer has responsibility for furnishing the Office of General Counsel with all information relating to a protest.

**2433.103 Protests to the agency.**

(a)(2) When the Contracting Officer makes a determination to award a contract notwithstanding a protest, as authorized by FAR 33.103(a)(2), that determination shall be approved by the HCA before award, after consultation with the Office of General Counsel.

(a)(4) Protests received after award that are filed only with the Department shall be decided promptly by the Contracting Officer after consultation with appropriate officials, including the program office and the Office of General Counsel.

[57 FR 59790, Dec. 15, 1992]

**2433.103-70 Agency decision.**

The Contracting Officer shall issue, in writing, his or her final decision on a protest within 20 working days from the date of receipt of the protest by the Department. If it is determined that it is desirable to solicit the views of GAO, the time for rendering a decision shall be 10 working days after the Department's receipt of GAO's views, but not